THE HON'BLE SRI JUSTICE S. ANANDA REDDY

Writ Petition No.16166 of 2005

25.07.2005

Between:

Andhra Kesari College of Education, Ongole,

Rep. by its Correspondent, Sri J.Prasad

... PETITIONER

AND

State of Andhra Pradesh rep. by its Secretary,

School Education, Secretariat Buildings, Hyderabad and others

...RESPONDENTS

COUNSEL FOR THE PETITIOENR: MR. Ch.Samson Babu

COUNSEL FOR THE RESPONDENTS: G.P.for School Education.

–

–

–

–

–

–

–

–

–

–

–

–

THE HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.16166 of 2005

O R D E R:

This writ petition is filed by the petitioner aggrieved by the order, dated 28-06-2005, passed by the third respondent, under which the representation made by the petitioner for conversion of certain leftover seats from Biological Sciences Methodology to Maths and Social Studies Methodologies has been forwarded to the Convenor, delegating the powers to the Convenor to consider the request of the petitioner as if it is the Convenor who is competent.

At the time of hearing, it is represented by the learned counsel for the petitioner that the second respondent, the Director of School Education, by proceedings, dated 18-06-2005, clarified that it is the Regional Joint Director, who is competent to consider and permit conversion of the left over seats from one methodology to another. In fact, the second respondent, specifically referred to Rule 6 (i) (c) of

the Rules framed in G.O.Ms.No.26, dated 03-02-2005, which says "*If seats are vacant in any methodology due to non-availability of minority candidates in that methodology, such vacant seats shall be filled with minority candidates belonging to other methodology as per merit with prior permission of Regional Joint Director of School Education concerned duly producing all relevant records*". Hence, it is contended that it is only the Regional Joint Director, who is competent and not the Convenor, and therefore, the impugned order passed by the third respondent is illegal and is liable to the quashed.

Heard the learned counsel on either side and considered the material available on record.

In view of the clarification issued by the second respondent, the Director of School Education, referring to the relevant Rule i.e., Rule 6 (i) (c) of the Rules framed in G.O.Ms.No.26, dated 03-02-2005, whereby it is only the Regional Joint Director who is competent to pass orders as to the conversion of leftover seats from one methodology to another, the impugned order passed by the third respondent directing the Convenor to pass orders in regard to conversion of leftover seats is illegal and contrary to law. Therefore, the impugned order is liable to be set aside.

Accordingly the impugned order, dated 28-06-2005, is hereby set aside. The writ petition is disposed of directing the third respondent, the Regional Joint Director of School Education, to consider the representation of the petitioner for conversion and pass appropriate orders, in accordance with law, within a period of one week from the date of receipt of a copy of this order. No costs.

_____

(S. ANANDA REDDY, J)

Date:25-07-2005

Note: Issue C.C. in two days.

B/o

ghn

_

_

***THE HON'BLE SRI JUSTICE S. ANANDA REDDY**

_

Writ Petition No.16166 of 2005

_

% 25.07.2005

_

Between:

Andhra Kesari College of Education, Prakasham District.

... PETITIONER

AND

State of A.P., rep., by its Secretary, Hyderabad, and three others.

...RESPONDENTS

! COUNSEL FOR THE PETITIOENR: Mr. Ch. Samson Babu.

^ COUNSEL FOR THE RESPONDENTS: G.P. for School Education.

< Gist:

> Head Note:

? CITATIONS:

–

–

–

–

–

–

–

–

–

–

THE HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.16166 of 2005

O R D E R:

–

O R D E R:

This writ petition is filed by the petitioner aggrieved by the order, dated 28-06-2005, passed by the third respondent, under which the representation made by the petitioner for conversion of certain leftover seats from Biological Sciences Methodology to Maths and Social Studies Methodologies has been forwarded to the Convenor, delegating the powers to the Convenor to consider the request of the petitioner as if it is the Convenor who is competent.

At the time of hearing, it is represented by the learned counsel for the petitioner that the second respondent, the Director of School Education, by proceedings, dated 18-06-2005, clarified that it is the Regional Joint Director, who is competent to consider and permit conversion of the left over seats from one methodology to another. In fact, the second respondent, specifically referred to Rule 6 (i) (c) of the Rules framed in G.O.Ms.No.26, dated 03-02-2005, which says "*If seats are vacant in any methodology due to non-availability of minority candidates in that methodology, such vacant seats shall be filled with minority candidates belonging to other methodology as per merit with prior permission of Regional Joint Director of School Education concerned duly producing all relevant records*". Hence, it is contended that it is only the Regional Joint Director, who is competent and not the Convenor, and therefore, the impugned order passed by the third respondent is illegal and is liable to the quashed.

Heard the learned counsel on either side and considered the material available on record.

In view of the clarification issued by the second respondent, the Director of School Education, referring to the relevant Rule i.e., Rule 6 (i) (c) of the Rules framed in G.O.Ms.No.26, dated 03-02-2005, whereby it is only the Regional Joint Director who is competent to pass orders as to the conversion of leftover seats from one methodology to another, the impugned order passed by the third respondent directing the Convenor to pass orders in regard to conversion of leftover seats is illegal and contrary to law. Therefore, the impugned order is liable to be set aside.

Accordingly the impugned order, dated 28-06-2005, is hereby set aside. The writ petition is disposed of directing the third respondent, the Regional Joint Director of School Education, to consider the representation of the petitioner for conversion and pass appropriate orders, in accordance with law, within a period of one week from the date of receipt of a copy of this order. No costs.

(S. ANANDA REDDY, J)

Date:25-07-2005

Note: Issue C.C. in two days.

B/o

ghn